

# MEMO ENDORSED

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September 17, 2020

Honorable William H. Pauley  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10017

Re: *United States v. Roger Thomas Clark*  
15-cr-866 (WHP)

Dear Judge Pauley:

I write to ask the Court to set a sentencing date for Mr. Clark. As the Court knows, I have requested that Mr. Clark's sentencing be delayed in light of the limitations the COVID-19 pandemic has imposed on my ability to communicate effectively with Mr. Clark and his ability to participate fully in preparing a sentencing submission. Attorney-client visits have now resumed at the MDC. Equally important, Mr. Clark's unit, which was on total lock down following an incidents of violence at the facility is now back on "modified lockdown," which permits Mr. Clark to be out of his cell and thereby access legal-research materials for three hours a day. After consulting with the government I propose the following schedule: Mr. Clark's sentencing submission would be due on November 6, 2020. The government would respond by November 16. Any defense reply would be filed on or before November 20, 2020. Sentencing would follow at the Court's convenience.

I believe this amount of time is appropriate for several reasons. First, the MDC has been on modified lockdown since March 2020. This has limited inmates' time out of their cells to three-hours a day. Mr. Clark advised me that during that window inmates have to line up for and eat their meals, do laundry, take showers (there is always a line), and communicate with family. The remaining time is minimal. Following an incident at the facility on June 28, 2020, Mr. Clark's unit was locked down and searched for contraband by a special Bureau of Prisons squad. The unit has been on an off lockdown since. During the June 28 search, the bulk of Mr. Clark's legal materials, including documents he intends to use in helping me preparing his sentencing submission, was thrown away. I have replaced that material in the interim, but during the search, Mr. Clark's

reading glasses were crushed. He was not given a medical appointment, which resulted in his being issued a new pair of glasses, until August 7.

Additionally, I will need time to meet with Mr. Clark, review what he has prepared and incorporate it into my own sentencing submission. This will be time-consuming.

For all of the reasons stated above, I ask that the Court adopt the schedule the parties propose.

Respectfully submitted,

\_\_\_\_\_/s/\_\_\_\_\_  
Stephanie Carvlin

cc: AUSA Michael Neff  
AUSA Vladislav Vainsberg (via ECF)

Application granted. Sentencing scheduled on December 10, 2020 at 2:00 p.m.

SO ORDERED:

  
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WILLIAM H. PAULEY III  
U.S.D.J.

October 1, 2020